

REMARKS

Applicants confirm the election of Claims 1-8 in response to the restriction requirement made on January 29, 2003. Applicants also confirm that the elected species is olefin polymerization comprising the use of the catalyst of structure (I), and that claims 1-8 are readable on said elected species. Applicants reserve the right to file continuing or divisional applications directed to the subject matter of one or more of claims 12-15.

Applicants thank the Examiner for his recognition of allowable subject matter in claims 4 and 8.

Figure 1 was objected to because the characters in the drawn structures were deemed illegible. New drawings are submitted herewith. No subject matter has been added or changed in any of the drawings. Applicants are submitting new copies of all of the Figures to comply with new requirements for the format of Amendments.

Rejections under 35 U.S.C. § 102

Claims 1-3 and 5-7 were rejected under 35 U.S.C. § 102 as being anticipated by Bennett et al., U.S. Patent No. 6,060,569 ("Bennett"). This rejection is respectfully traversed.

In the rejection, the Examiner stated that claim 1 of Bennett describes a process for polymerizing ethylene comprising "catalyst structure III, and this process corresponds to the claimed polymerization process wherein a ligand of structure (I) is used in combination with nickel as the transition metal". Applicants respectfully disagree. Applicants respectfully point out to the Examiner that the structure in claim 1 of Bennett includes two phenyl rings such that, for any correspondence to a structure within the scope of the present claims, would require that m and n as recited in claim 1 are both 1, and all of R³, R⁴, R⁵ and R⁶ are taken together to form a phenyl ring. However, claim 1 of the present application recites that only two of R³, R⁴, R⁵ and R⁶ taken together may form a ring. Accordingly, Applicants submit that structure (III) of claim 1 of Bennett does not correspond to any complex of a ligand of formula (I) as recited in present claim 1. Thus, Bennett does not anticipate any of claims 1-3 or 5-7 of the present application. Withdrawal of the rejection of claims 1-3 and 5-7 under 35 U.S.C. § 102 in view of Bennett is therefore respectfully requested.

CONCLUSION

In view of the above Remarks and the Examiner's indication that Claims 4 and 8 of the present application are directed to allowable subject matter, Applicants submit that all of the claims are in condition for allowance. Prompt issuance of a Notice of Allowance is therefore respectfully requested.

In order to expedite completion of the prosecution and allowance of the present application, the Examiner is respectfully requested to telephone the undersigned to discuss any remaining issues.

If any fees are required in connection with the filing of this response, you are hereby authorized to charge deposit account number 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully Submitted,

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